

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICIA PARKS,  
Plaintiff,

vs.

WALGREEN CO. a foreign profit corporation,  
dba WALGREEN STORE #3514; and J. Does  
1-10,  
Defendant.

No. [Cause Number]

DEFENDANT'S NOTICE OF REMOVAL  
OF ACTION PURSUANT TO 28 U.S.C. §§  
1332, 1441 AND 1446

(REMOVED FROM PIERCE COUNTY  
SUPERIOR COURT CAUSE NO. 21-2-  
04279-3)

TO: CLERK, U.S. DISTRICT COURT, WESTERN DISTRICT OF  
WASHINGTON, AT TACOMA;

AND TO: PLAINTIFF'S COUNSEL OF RECORD.

**PLEASE TAKE NOTICE** that Defendant Walgreen Co., dba Walgreen Store #3514  
hereby removes to this Court the state court action described below on the grounds stated herein,  
and as supported by the Declaration of Natalie A. Heineman and the exhibits attached thereto.

**I. INTRODUCTION & STATEMENT OF FACTS**

On or about January 25, 2021, Plaintiff Patricia Parks commenced a lawsuit in Pierce  
County Superior Court entitled *Patricia Parks v. Walgreen Co., dba Walgreen Store #3514*, Cause

Number 21-2-04279-3. *Declaration of Natalie A. Heineman, Ex. 1.* Plaintiff's Summons and Complaint.

Defendant Walgreen Co. was served with a copy of the Summons and the Complaint in the above-entitled state court action on January 26, 2021. *Id., Ex. 2.* Plaintiff's alleged damages exceed \$75,000. *Id., at ¶ 6.*

This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

Defendant Walgreen Co. is an Illinois corporation whose headquarters are located in Deerfield, Illinois. *Declaration of Natalie A. Heineman, Ex. 3.* Plaintiffs are residents of the State of Washington. *Id., at ¶ 4 and Ex. 1.*

## II. BASES FOR REMOVAL

### A. There is Complete Diversity of Citizenship under 28 USC § 1332.

This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)(1), and this action is one which can be removed to this Court by defendant pursuant to 28 U.S.C. § 1441(a) and (b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

Plaintiff is a resident of the State of Washington. *Declaration of Natalie A. Heineman, Ex. 1, ¶ 1.* Defendant Walgreen Co. is an Illinois Corporation, and its headquarters are located in Deerfield, Illinois. *Id., Ex. 3.* Removal of the plaintiff's action to this Court is proper because there is complete diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the time plaintiffs' lawsuit was filed.

1        **B.     The Amount in Controversy Exceeds the Jurisdictional Minimum.**

2        Plaintiff seeks to recover in excess of \$75,000 in damages against defendant. *Id.*, ¶ 6.

3        **C.     This Notice of Removal is Timely Under 28 USC § 1446(b).**

4        Defendant Walgreen Co.'s Notice of Removal is timely under 28 U.S.C. § 1446(b)  
5        because it is being filed "within 30 days after the receipt by the defendant, through service or  
6        otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action  
7        or proceeding is based." 28 U.S.C. § 1446(b).

8        **D.     This Notice of Removal Complies with the Applicable Local Rules, and**  
9        **Venue Is Proper in the Western District of Washington under 28 U.S.C. §**  
10       **128(b).**

11       This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and  
12       Local Rules. Defendant Walgreen Co. has attached to the Declaration of Natalie A. Heineman,  
13       filed in support of this Notice, copies of all process, pleadings, and orders served upon it in the  
14       state court action, as required by 28 U.S.C. § 1446, and will transmit copies of any additional  
15       records in the Superior Court file within 10 days of the filing of this Notice. Venue is proper in  
16       this District pursuant to 28 U.S.C. §§ 128(b) and 1441(a), because this District encompasses Pierce  
17       County, wherein plaintiff filed the state court action being removed.

18       Defendant Walgreen Co. is serving plaintiff's counsel with copies of this Notice of  
19       Removal and the supporting Declaration of Natalie A. Heineman (and exhibits). Defendant is also  
20       promptly filing with the Clerk of the Pierce County Superior Court of the State of Washington a  
21       copy of this Notice of Removal, along with a Notice to Superior Court of Filing Notice of Removal.  
22       Defendant further is promptly filing and serving a Notice to Plaintiff of Notice of Removal.

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**III. CONCLUSION**

For the reasons stated above, plaintiff's civil action, originally filed in the Superior Court for the State of Washington in and for Pierce County, may accordingly be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District Court for the Western District of Washington at Seattle.

DATED this 25 day of February, 2021.

FORSBERG & UMLAUF, P.S.

By: 

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Attorneys for Defendant Walgreen Co.

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing **DEFENDANT'S NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §§ 1332, 1441 AND 1446** on the following individuals in the manner indicated:

Mr. Zachary J. Hansen  
Wattel & York, LLC  
6314 19th St W Ste 15  
Fircrest, WA 98466-6223  
Facsimile: 253-471-1077  
(X) Via ECF

SIGNED this 25<sup>th</sup> day of February, 2021, at Seattle, Washington.

  
Elizabeth S. Sado